

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

#2

EV091759045 US

Patent Application

Inventor: Ketan Ruparel

Case: 1

U.S. Application Serial No.: 10/069,685

PCT No: PCT/EPO/05709

I.A. Filing Date: June 20, 2000

Priority Date: August 31, 1999

Examiner:

Title: Method and Apparatus for Establishing
Communication

ASSISTANT COMMISSIONER FOR PATENTS

BOX PCT

WASHINGTON, D.C. 20231

"Express Mail" Mailing Label Number	7
Date of Deposit	3/5/03
I hereby certify that this <u>Petition</u> is being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC, 20231, on <u>March 5, 2003</u>	
<u>MARGARET CARDOSO</u>	
Printed name of person mailing paper of fee	
<u>Margaret Cardoso</u>	
Signature of person mailing paper of fee	

RECEIVED

14 MAR 2003

International Division

SIR:

RENEWED PETITION UNDER 37 C.F.R. 147(b) WHEN
ALL THE INVENTORS CANNOT BE REACHED

1. This Renewed Petition under 37 C.F.R. 147(b) is being filed to accept the filing of an unsigned Declaration when an inventor cannot be reached.
2. On August 27, 2002 applicants submitted a Petition Under 37 C.F.R. 147(b), a Verified Statement of Facts Under 37 C.F.R. 1.47, and an unexecuted declaration.
3. In a decision dated January 14, 2003 signed by James Thomson, Attorney Advisor, PCT Legal Office, that Petition was dismissed without prejudice. That decision indicated that the original Petition was deficient for three reasons:
 - a) "Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding

that the nonsigning inventor could not be found or reached should be made part of the statement" as required by item (2) of 37 CFR 1.47(b);

b) Applicant provided an unsigned declaration. This did not satisfy item (4) of 37 CFR 1.47(b). Section 409.03(b) of the MPEP requires the petitioner to provide a declaration signed by the 37 CFR 1.47(b) applicant; and

c) Petitioner failed to show sufficient proprietary interest in the subject matter to justify the filing of the application under item (5) of 37 CFR 1.47(b).

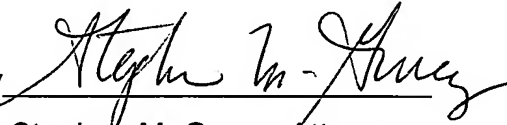
4. In order to correct these three deficiencies, the following attachments are included herein at part of this Renewed Petition and request is made that they be considered as part of the original Petition:

a) A copy of a letter to the named inventor dated November 15, 2001 signed by Valerie Barnes, the author of the Verified Statement of Facts attached to the original Petition. This letter of November 15, 2001 forwarded a copy of the specification, a Declaration and Power, and an Assignment and Agreement to the named inventor at his last known address; and copies of two email correspondences between the same Valerie Barnes and Dawn Edwards, Lucent Technologies Human Resources Administrator in Great Britain dated November 22, 2001, indicating that the letter and attachments forwarded to the inventor on November 15, 2001 had been returned by the postal service as "address 'gone away'", and that Human Resources had no information regarding the inventor. These documents are being submitted to meet item (2) of 37 CFR 1.47(b);

b) A Declaration and Power of Attorney for the subject application signed by D. L. Padilla, an Officer of Lucent Technologies, and President, Lucent Technologies' Intellectual Property Business. This is being submitted to meet item (4) of 37 CFR 1.47(b); and

c) A Verified Statement and Legal Memorandum and attachments by David Alexander Sarup, a United Kingdom Patent Attorney and employee of Lucent Technologies. This memorandum and attachments are being submitted to show proof of proprietary interest in accordance with section 409.03(f) of the MPEP and to thus meet item (5) of 37 CFR 1.47(b).

Duplicate copies of this Renewed Petition are enclosed. The decision dated January 14, 2003 indicated that no additional petition fee was necessary if this Renewed Petition was filed within two (2) months of the mail date of that decision. Inasmuch as this Renewed Petition is being filed before March 14, 2003, no additional fee or late fee is believed to be required. In the event, however, of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or credit **Deposit Account No. 12-2325** as required to correct the error.

By 
Stephen M. Gurey, Attorney
Reg. No. 27336
(973) 386-8252

Date March 4, 2003

**Docket Administrator (Room 3J-219)
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